

Senate Bill No. 48

Passed the Senate September 11, 2015

Secretary of the Senate

Passed the Assembly September 11, 2015

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 306, 311.5, 321.6, 765, 960, 1701, and 1759 of, to amend and renumber Sections 911 and 915 of, to amend, renumber, and add Section 910 of, and to add Sections 910.1, 911.1, 916.4, and 1711 to, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 48, Hill. Public Utilities Commission.

(1) The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities. The Public Utilities Act provides that the office of the commission be in the City and County of San Francisco, that the office always be open, legal holidays and nonjudicial days excepted, that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco, and authorizes the commission to also meet at those other times and places as may be expedient and necessary for the proper performance of its duties.

This bill would require that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco or the City of Sacramento and would require that the commission hold no less than 6 sessions each year in the City of Sacramento.

(2) The California Constitution authorizes the commission to establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law requires the commission to determine whether a proceeding requires a hearing and, if so, to determine whether the matter requires a quasi-legislative, an adjudication, or a ratesetting hearing. For these purposes, quasi-legislative cases are cases that establish policy rulemakings and investigations which may establish rules affecting an entire industry, adjudication cases are enforcement cases and complaints except those challenging the reasonableness of any rates or charges, and ratesetting cases are cases in which rates are established for a specific company, including general rate cases, performance-based ratemaking, and other ratesetting mechanisms. Existing law requires the commission

to publish and maintain certain documents on the Internet, including a docket card that lists all documents filed and all decisions or rulings issued in those proceedings, as provided.

This bill would make the Administrative Adjudication Code of Ethics applicable to administrative law judges of the commission. Except for in adjudication cases, the bill would require the commission, before instituting a proceeding on its own motion, where feasible and appropriate, to seek the views of those who are likely to be affected by a decision in the proceeding, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. The bill would require the commission to include a docket card that lists the public versions of all prepared written testimony and advice letter filings, protests, and responses on its Internet Web site. The bill would require the commission to make additional information available on the Internet, including information on how members of the public and ratepayers can gain access to the commission's ratemaking process.

(3) The Public Utilities Act requires the commission to develop, publish, and annually update an annual workplan that does all of the following: (A) describes in clear detail the scheduled ratemaking proceedings and other decisions that may be considered by the commission during the calendar year, (B) includes information on how members of the public and ratepayers can gain access to the commission's ratemaking process and information regarding the specific matters to be decided, (C) includes information on the operation of the office of the public adviser and identifies the names and telephone numbers of those contact persons responsible for specific cases and matters to be decided, and (D) includes a statement that specifies activities that the commission proposes to reduce the costs of, and rates for, energy, including electricity, and for improving the competitive opportunities for state agriculture and other rural energy consumers. The act requires the commission to submit the workplan to the Governor and Legislature by February 1 of each year.

This bill would require the commission to develop, publish, and annually update a report that contains certain specified information, as provided, and would expand the requirement that the workplan, as part of that report, describe in clear detail the scheduled proceedings that may be considered by the commission during the

calendar year to include all proceedings and not just ratemaking proceedings. The bill would additionally require that the report include performance criteria for the commission and executive director and evaluate the performance of the executive director during the previous year based on the criteria established in the prior year's workplan.

The bill would require the president of the commission to present the annual report to the appropriate policy committees of the Senate and Assembly, and the commission to post the report in a conspicuous area of its Internet Web site and disseminate the information in the report, as provided. The bill would recast the report requirements and certain other requirements that the commission report information to an article in the Public Utilities Act pertaining to reports by the commission to the Legislature and make other conforming changes.

(4) The Public Utilities Act requires the commission to create, and annually submit to the Governor and Legislature by February 1, a report on the number of cases where resolution exceeded the time periods prescribed in scoping memos and the days that commissioners presided in hearings.

This bill would delete the requirement that the report include the number of cases where resolution exceeded the time periods prescribed in scoping memos and instead would require the commission to annually submit a report to the Legislature on the commission's timeliness in resolving cases and include information on the disposition of applications for rehearings. The bill would require that the report include the number of scoping memos issued in each proceeding and to include the number of orders issued extending the statutory deadlines for all adjudication, ratesetting, and quasi-legislative cases.

(5) The California Constitution provides that the Legislature has plenary power to establish the manner and scope of review of commission action in a court of record. Existing law provides that only the Supreme Court and the court of appeal have jurisdiction to review, reverse, correct, or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties.

This bill would authorize an action to enforce the requirements of the Bagley-Keene Open Meeting Act or the California Public

Records Act to be brought against the commission in the superior court.

(6) This bill would incorporate additional changes in Section 311.5 of the Public Utilities Code, proposed by AB 825, to be operative only if AB 825 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.

(7) This bill would declare that Section 2 of this act shall not become operative if any section of any other act enacted by the Legislature during the 2015 calendar year and takes effect on or before January 1, 2016, amends, amends and renumbers, adds, repeals and adds, or repeals Section 306 of the Public Utilities Code.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) On June 3, 2014, California's Fourth District Court of Appeal, in *Disenhouse v. Peevey* (2014) 226 Cal.App.4th 1096, held that an interested person desiring to enforce the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) against the Public Utilities Commission must do so by filing a petition for writ of mandamus in the Supreme Court or the court of appeal and may not do so by filing an action for injunctive relief in the superior court.

(2) The intent of the Bagley-Keene Open Meeting Act is that actions of state agencies be taken openly and that their deliberation be conducted openly.

(3) The people's right to remain informed so that they may retain control over the instruments of government that they have created is not less of a right for some agencies than for other agencies, nor shall the people's ability to enforce the Bagley-Keene Open Meeting Act be more hampered for some agencies than for other agencies.

(4) The duties, responsibilities, and actions of the Public Utilities Commission affect the well-being of current and future generations and the public interest and principles of fundamental fairness and due process of law require that the commission conduct its affairs

in an open, objective, and impartial manner, free of undue influence and the abuse of power and authority.

(b) It is the intent of the Legislature that the Public Utilities Commission should be subject to the judicial review provisions of the Bagley-Keene Open Meeting Act.

SEC. 2. Section 306 of the Public Utilities Code is amended to read:

306. (a) The office of the commission shall be in the City and County of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in the City and County of San Francisco or the City of Sacramento. The commission may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties, and for that purpose may rent quarters or offices. The commission shall hold no less than six sessions each year in the City of Sacramento.

(b) The meetings of the commission shall be open and public in accordance with the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

In addition to the requirements of Section 11125 of the Government Code, the commission shall include in its notice of meetings the agenda of business to be transacted, and no item of business shall be added to the agenda subsequent to the notice in the absence of an unforeseen emergency situation. A rate increase shall not constitute an unforeseen emergency situation. As used in this subdivision, “meeting” shall include all investigations, proceedings, and showings required by law to be open and public.

(c) The commission shall have a seal, bearing the inscription “Public Utilities Commission State of California.” The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct.

(d) The commission may procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus, and appliances.

SEC. 3. Section 311.5 of the Public Utilities Code is amended to read:

311.5. (a) (1) Prior to commencement of any meeting at which commissioners vote on items on the public agenda, the commission

shall make available to the public copies of the agenda, and upon request, any agenda item documents that are proposed to be considered by the commission for action or decision at a commission meeting.

(2) In addition, the commission shall publish the agenda, agenda item documents, and adopted decisions in a manner that makes copies of them easily available to the public, including publishing those documents on the Internet. Publication of the agenda and agenda item documents shall occur on the Internet at the same time as the written agenda and agenda item documents are made available to the public.

(b) The commission shall publish and maintain the following documents on the Internet:

(1) Each of the commission's proposed and alternate proposed decisions and resolutions, until the decision or resolution is adopted and published.

(2) Each of the commission's adopted decisions and resolutions. The publication shall occur within 10 days of the adoption of each decision or resolution by the commission.

(3) The then-current version of the commission's general orders and Rules of Practice and Procedure.

(4) Each of the commission's rulings. The commission shall maintain those rulings on its Internet Web site until final disposition, including disposition of any judicial appeals, of the respective proceedings in which the rulings were issued.

(5) A docket card that lists, by title and date of filing or issuance, all documents filed and all decisions or rulings issued in those proceedings, including the public versions of all prepared written testimony and advice letter filings, protests, and responses. The commission shall maintain the docket card until final disposition, including disposition of any judicial appeals, of the corresponding proceedings.

(c) The commission shall make the following information available on the Internet:

(1) Information on how members of the public and ratepayers can gain access to the commission's ratemaking process and to information regarding the specific matters to be decided.

(2) Information on the operation of the office of the public advisor established in Section 321 and how the public advisor can

connect members of the public to persons responsible for specific cases and matters to be decided.

SEC. 3.5. Section 311.5 of the Public Utilities Code is amended to read:

311.5. (a) (1) Prior to commencement of any meeting at which commissioners vote on items on the public agenda, the commission shall make available to the public copies of the agenda, and upon request, any agenda item documents that are proposed to be considered by the commission for action or decision at a commission meeting.

(2) In addition, the commission shall publish the agenda, agenda item documents, and adopted decisions in a manner that makes copies of them easily available to the public, including publishing those documents on the Internet. Publication of the agenda and agenda item documents shall occur on the Internet at the same time as the written agenda and agenda item documents are made available to the public.

(b) The commission shall publish and maintain the following documents on the Internet:

(1) Each of the commission's proposed and alternate proposed decisions and resolutions, until the decision or resolution is adopted and published.

(2) Each of the commission's adopted decisions and resolutions. The publication shall occur within 10 days of the adoption of each decision or resolution by the commission.

(3) The then-current version of the commission's general orders and Rules of Practice and Procedure.

(4) Each of the commission's rulings. The commission shall maintain those rulings on its Internet Web site until final disposition, including disposition of any judicial appeals, of the respective proceedings in which the rulings were issued.

(5) A docket card that lists, by title and date of filing or issuance, all documents filed and all decisions or rulings issued in those proceedings, including the public versions of all prepared written testimony and advice letter filings, protests, and responses. The commission shall maintain the docket card until final disposition, including disposition of any judicial appeals, of the corresponding proceedings. Each document that the commission distributes to any service-of-process list shall be docketed and identified on the commission's Internet Web site.

(c) The commission shall make the following information available on the Internet:

(1) Information on how members of the public and ratepayers can gain access to the commission's ratemaking process and to information regarding the specific matters to be decided.

(2) Information on the operation of the office of the public advisor established in Section 321 and how the public advisor can connect members of the public to persons responsible for specific cases and matters to be decided.

SEC. 4. Section 321.6 of the Public Utilities Code is amended to read:

321.6. The president of the commission shall annually appear before the appropriate policy committees of the Senate and Assembly to present the annual report of the commission required pursuant to Section 910.

SEC. 5. Section 765 of the Public Utilities Code is amended to read:

765. (a) When the federal National Transportation Safety Board (NTSB) submits a safety recommendation letter concerning rail safety to the commission, the commission shall provide the NTSB with a formal written response to each recommendation no later than 90 days after receiving the letter. The response shall state one of the following:

(1) The commission's intent to implement the recommendations in full, with a proposed timetable for implementation of the recommendations.

(2) The commission's intent to implement part of the recommendations, with a proposed timetable for implementation of those recommendations, and detailed reasons for the commission's refusal to implement those recommendations that the commission does not intend to implement.

(3) The commission's refusal to implement the recommendations, with detailed reasons for the commission's refusal to implement the recommendations.

(b) If the NTSB issues a safety recommendation letter concerning any commission-regulated rail facility to the United States Department of Transportation, the Federal Transit Administration, a commission-regulated rail operator, or the commission, or if the Federal Transit Administration issues a safety advisory concerning any commission-regulated rail facility, the

commission shall determine if implementation of the recommendation or advisory is appropriate. The basis for the commission's determination shall be detailed in writing and shall be approved by a majority vote of the commission.

(c) If the commission determines that a safety recommendation made by the NTSB is appropriate, or that action concerning a safety advisory is necessary, the commission shall issue orders or adopt rules to implement the safety recommendation or advisory as soon as practicable. In implementing the safety recommendation or advisory, the commission shall consider whether a more effective, or equally effective and less costly, alternative exists to address the safety issue that the recommendation or advisory addresses.

SEC. 6. Section 910 of the Public Utilities Code is amended and renumbered to read:

913.3. (a) By May 1 of each year, the commission shall prepare and submit to the policy and fiscal committees of the Legislature a written report summarizing the following information:

(1) All electrical corporation revenue requirement increases associated with meeting the renewables portfolio standard, as defined in Section 399.12, including direct procurement costs for eligible renewable energy resources and renewable energy credits, administrative expenses for procurement, expenses incurred to ensure a reliable supply of electricity, and expenses for upgrades to the electrical transmission and distribution grid necessary to the delivery of electricity from eligible renewable energy resources to load.

(2) All cost savings experienced, or costs avoided, by electrical corporations as a result of meeting the renewables portfolio standard.

(3) All costs incurred by electrical corporations for incentives for distributed and renewable generation, including the self-generation incentive program, the California Solar Initiative, and net energy metering.

(4) All cost savings experienced, or costs avoided, by electrical corporations as a result of incentives for distributed and renewable generation.

(5) All pending requests by an electrical corporation seeking recovery in rates for renewable, fossil fuel, and nuclear procurement costs, research, study, or pilot program costs.

(6) The decision number for each decision of the commission authorizing recovery in rates of costs incurred by an electrical corporation since the preceding report.

(7) Any change in the electrical load serviced by an electrical corporation since the preceding report.

(8) The efforts each electrical corporation is taking to recruit and train employees to ensure an adequately trained and available workforce, including the number of new employees hired by the electrical corporation for purposes of implementing the requirements of Article 16 (commencing with Section 399.11) of Chapter 2.3, the goals adopted by the electrical corporation for increasing women, minority, and disabled veterans trained or hired for purposes of implementing the requirements of Article 16 (commencing with Section 399.11) of Chapter 2.3, and, to the extent information is available, the number of new employees hired and the number of women, minority, and disabled veterans trained or hired by persons or corporations owning or operating eligible renewable energy resources under contract with an electrical corporation. This paragraph does not provide the commission with authority to engage in, regulate, or expand its authority to include, workforce recruitment or training.

(b) The commission may combine the information required by this section with the reports prepared pursuant to Article 16 (commencing with Section 399.11) of Chapter 2.3.

SEC. 7. Section 910 is added to the Public Utilities Code, to read:

910. (a) The commission shall develop, publish, and annually update a report that contains all of the following information:

(1) A workplan that describes in clear detail the scheduled proceedings and other decisions that may be considered by the commission during the calendar year.

(2) Performance criteria for the commission and the executive director, and an evaluation of the performance of the executive director during the previous year based on criteria established in the prior year's workplan.

(3) An accounting of the commission's transactions and proceedings from the prior year, together with other facts, suggestions, and recommendations that the commission deems of value to the people of the state. The accounting shall include the activities that the commission has taken, and plans to take, to

reduce the costs of, and the rates for, water and energy, including electricity, to improve the competitiveness of the state's industries, including agriculture, and, to the extent possible, shall include suggestions and recommendations for the reduction of those costs and rates.

(4) A description of activities taken and processes instituted to both solicit the input of customers from diverse regions of the state in ratesetting and quasi-legislative proceedings and to process that input in a way that makes it usable in commission decisionmaking. The report shall describe the successes and challenges of these processes, the effect of resource constraints, and efforts to be made during the calendar year to further the goal of increased public participation.

(b) (1) The commission shall submit the report required pursuant to subdivision (a) to the Governor and the Legislature, in compliance with Section 9795 of the Government Code, no later than February 1 of each year.

(2) The commission shall post the report in a conspicuous area of its Internet Web site and shall have a program to disseminate the information in the report using computer mailing lists to provide regular updates on the information to those members of the public and organizations that request that information.

SEC. 8. Section 910.1 is added to the Public Utilities Code, to read:

910.1. The commission shall annually submit a report to the Legislature on the commission's timeliness in resolving cases, information on the disposition of applications for rehearings, and the days that commissioners presided in hearings. The report shall include the number of scoping memos issued in each proceeding and the number of orders issued extending the statutory deadlines pursuant to subdivision (d) of Section 1701.2, for all adjudication cases, and pursuant to subdivision (a) of Section 1701.5, for all ratesetting or quasi-legislative cases.

SEC. 9. Section 911 of the Public Utilities Code is amended and renumbered to read:

913.4. (a) Notwithstanding subdivision (g) of Section 454.5 and Section 583, no later than May 1 of each year, the commission shall release to the Legislature the costs of all electricity procurement contracts for eligible renewable energy resources, including unbundled renewable energy credits, and all costs for

utility-owned generation approved by the commission. The first report shall include all costs commencing January 1, 2003. Subsequent reports shall include only costs for the preceding calendar year.

(1) For power purchase contracts, the commission shall release costs in an aggregated form categorized according to the year the procurement transaction was approved by the commission, the eligible renewable energy resource type, including bundled renewable energy credits, the average executed contract price, and average actual recorded costs for each kilowatthour of production. Within each renewable energy resource type, the commission shall provide aggregated costs for different project size thresholds.

(2) For each utility-owned renewable generation project, the commission shall release the costs forecast by the electrical corporation at the time of initial approval and the actual recorded costs for each kilowatthour of production during the preceding calendar year.

(b) This section does not require the release of the terms of any individual electricity procurement contracts for eligible renewable energy resources, including unbundled renewable energy credits, approved by the commission. The commission shall aggregate data to the extent required to ensure protection of the confidentiality of individual contract costs even if this aggregation requires grouping contracts of different energy resource type. The commission shall not be required to release the data in any year when there are fewer than three contracts approved.

(c) The commission may combine the information required by this section with the report prepared pursuant to Section 913.3.

SEC. 10. Section 911.1 is added to the Public Utilities Code, to read:

911.1. An action taken by the commission on a safety recommendation letter or advisory bulletin concerning gas pipeline safety issued by the federal National Transportation Safety Board (NTSB) shall be reported annually, in detail, to the Legislature with the report required by Section 910. Correspondence from the NTSB that indicates that a recommendation of the NTSB has been closed following an action that the NTSB finds unacceptable shall be noted in the report required by Section 910.

SEC. 11. Section 915 of the Public Utilities Code is amended and renumbered to read:

911. (a) Beginning February 1, 2016, the commission shall annually publish a report that includes all investigations into gas or electric service safety incidents reported, pursuant to commission requirements, by any gas corporation or electrical corporation. The report shall succinctly describe each safety investigation concluded during the prior calendar year and each investigation that remains open. The categories within the description shall include the month of the safety incident, the reason for the investigation, the facility type involved, and the owner of the facility.

(b) The commission shall include in its report required pursuant to Section 910, a summary of the staff safety investigations concluded during the prior calendar year and the staff safety investigations that remain open for any gas corporation or electrical corporation, with a link to the Internet Web site with the report that contains the information required pursuant to subdivision (a).

SEC. 12. Section 916.4 is added to the Public Utilities Code, to read:

916.4. An action taken by the commission on a safety recommendation letter or safety advisory pursuant to Section 765 shall be reported annually, in detail, to the Legislature with the report required by Section 910. Correspondence from the federal National Transportation Safety Board indicating that a recommendation has been closed following an action that the federal National Transportation Safety Board finds unacceptable shall be noted in the report required by Section 910.

SEC. 13. Section 960 of the Public Utilities Code is amended to read:

960. (a) When the federal National Transportation Safety Board (NTSB) submits a safety recommendation letter concerning gas pipeline safety to the commission, the commission shall provide the NTSB with a formal written response to each recommendation not later than 90 days after receiving the letter. The response shall state one of the following:

(1) The commission's intent to implement the recommendations in full, with a proposed timetable for implementation of the recommendations.

(2) The commission's intent to implement part of the recommendations, with a proposed timetable for implementation of those recommendations, and detailed reasons for the

commission's refusal to implement those recommendations that the commission does not intend to implement.

(3) The commission's refusal to implement the recommendations, with detailed reasons for the commission's refusal to implement the recommendations.

(b) If the NTSB issues a safety recommendation letter concerning any commission-regulated gas pipeline facility to the United States Department of Transportation, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA), a gas corporation, or the commission, or the PHMSA issues an advisory bulletin concerning any commission-regulated gas pipeline facility, the commission shall determine if implementation of the recommendation or advisory is appropriate. The basis for the commission's determination shall be detailed in writing and shall be approved by a majority vote of the commission.

(c) If the commission determines that a safety recommendation made by the NTSB is appropriate or that action concerning an advisory bulletin is necessary, the commission shall issue orders or adopt rules to implement the safety recommendation or advisory as soon as practicable. In implementing the safety recommendation or advisory, the commission shall consider whether a more effective, or equally effective and less costly, alternative exists to address the safety issue that the recommendation or advisory addresses.

SEC. 14. Section 1701 of the Public Utilities Code is amended to read:

1701. (a) All hearings, investigations, and proceedings shall be governed by this part and by rules of practice and procedure adopted by the commission, and in the conduct thereof the technical rules of evidence need not be applied. No informality in any hearing, investigation, or proceeding or in the manner of taking testimony shall invalidate any order, decision or rule made, approved, or confirmed by the commission.

(b) Notwithstanding Section 11425.10 of the Government Code, Articles 1 through 15, inclusive, of Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code do not apply to a hearing by the commission under this code. The Administrative Adjudication Code of Ethics (Article 16 (commencing with Section 11475) of Chapter 4.5 of Part 1 of

Division 3 of Title 2 of the Government Code) shall apply to administrative law judges of the commission.

SEC. 15. Section 1711 is added to the Public Utilities Code, to read:

1711. Where feasible and appropriate, except for adjudication cases, before instituting a proceeding on its own motion, the commission shall seek the views of those who are likely to be affected, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. The commission shall demonstrate its efforts to comply with this section in the text of the order instituting the proceeding.

SEC. 16. Section 1759 of the Public Utilities Code is amended to read:

1759. (a) No court of this state, except the Supreme Court and the court of appeal, to the extent specified in this article, shall have jurisdiction to review, reverse, correct, or annul an order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties, as provided by law and the rules of court.

(b) The writ of mandamus shall lie from the Supreme Court and from the court of appeal to the commission in all proper cases as prescribed in Section 1085 of the Code of Civil Procedure.

(c) This section does not apply to the following actions, which may be brought in superior court:

(1) An action brought against the commission to enforce the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(2) An action arising from the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) or to review a determination made under subdivision (c) of Section 6253 of the Government Code.

SEC. 17. Section 3.5 of this bill incorporates amendments to Section 311.5 of the Public Utilities Code proposed by both this bill and Assembly Bill 825. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 311.5 of the Public Utilities

Code, and (3) this bill is enacted after Assembly Bill 825, in which case Section 3 of this bill shall not become operative.

SEC. 18. Section 2 of this act shall not become operative if any section of any other act, including any act related to the Budget Act of 2015, enacted by the Legislature during the 2015 calendar year and takes effect on or before January 1, 2016, amends, amends and renumbers, adds, repeals and adds, or repeals Section 306 of the Public Utilities Code.

Approved _____, 2015

Governor